

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:

Fishers Landing Post Office
Fishers Landing, NY

Docket No. A2011-55

UNITED STATES POSTAL SERVICE
COMMENTS REGARDING APPEAL
(October 26, 2011)

On August 26, 2011, the Postal Regulatory Commission (Commission) received an appeal postmarked August 18, 2011, from postal customer Michael Brayen (Petitioner) objecting to the discontinuance of the Post Office at Fishers Landing, New York. On August 30, 2011, the Commission issued Order No. 830, its Notice and Order Accepting Appeal and Establishing Procedural Schedule under 39 U.S.C. § 404(d). On September 12, 2011, Petitioner filed supplemental information in support of his appeal (herein "Petitioner's Supplement"). The Petitioner filed a Form 61 "Participant Statement" on September 29, 2011, which was formally received by the Commission on September 30, 2011. The Commission received no additional written communications from customers of the Fishers Landing Post Office. In accordance with Order No. 830, the Postal Service filed the administrative record with the Commission on September 12, 2011.

In its Notice and Order dated August 30, 2011, the Commission notes that Petitioner's appeal contends that (1) the Postal Service failed to adequately consider the effect of the closing on the community (see 39 USC 404(d)(2)(A)); and (2) the Postal Service failed to adequately consider the economic savings resulting from the closure

(see 39 USC 404(d)(2)(A(iv))). As reflected in the administrative record of this proceeding, the Postal Service gave these issues serious consideration. In addition, consistent with the Postal Service's statutory obligations and Commission precedent,¹ as appropriate, the Postal Service gave consideration to other issues, such as the effect of closing the Post Office on the provision of mailing services and employees. Accordingly, the determination to discontinue the Fishers Landing Post Office should be affirmed.

Background

The Final Determination To Close the Fishers Landing, NY Post Office and Establish Service By Rural Route Service (FD), as well as the administrative record, indicate that the Fishers Landing Post Office provides EAS-11 level for its customers, which consist of Post Office Box holders and window customers. It has no general delivery customers. FD, at 2; Item No. 18, (Form 4920) Post Office Closing or Consolidation Proposal Fact Sheet ("Fact Sheet"), at 1.² It also has no meter or permit customers. FD at 2; Item No. 18, Fact Sheet, at 1; Item No. 41, Revised Proposal, at 2.

A total of 69 out of 192 installed Post Office Boxes are in use. Item No. 15, Post Office Survey Sheet, at 1. A number of these P.O. Boxes, however, serve more than one person.³ See, Petitioner's Supplement, at 3-5 (hand numbered 1 to 3). The Fishers Landing Post Office handles an average of 13 retail window transactions daily.

¹ See 39 U.S.C. 404(d)(2)(A).

² In these comments, specific items in the administrative record are referred to as "Item ____."

³ It is believed that the difference between the number of PO Boxes in use and the number of customers using the PO Boxes with the plus or minus factor of seasonal residents receiving PO Box service accounts for any discrepancy between the number of PO Boxes resulting from Petitioner's survey and the Postal Service's.

Item 10, Window Transaction Survey, at 1.⁴ Revenue has generally been low: \$24,274.00 in FY 2008 (63 revenue units); \$26,990.00 in FY 2009; and \$23,120.00 in FY 2010. FD, at 13.

The Postmaster of the Fishers Landing Post Office retired on May 2, 2008, and a series of non-career employees have replaced him in the position of temporary officers-in-charge (OIC). FD, at 13.

To implement the final determination, replacement service would consist of retail and delivery service provided by rural carrier to roadside mailboxes located close to customers' residences (FD, at 5, 6, 7, 9); or (2) retail and delivery service provided by carrier to centralized delivery units in Fishers Landing (FD, at 2, 3, 7). Service will also be provided at the Clayton Post Office, an EAS-18 level Post Office and has 97 available Post Office Boxes (FD, at 1; Item No. 18, Fact Sheet, at 1; Item No. 41, Revised Proposal, at 2, 10 and possibly a Village Post Office (FD, at 4; Item 40, Analysis of 60-Day Posting Comments, at 1). These latter options should provide effective and regular service to Fishers Landing customers who wish to continue delivery using a Post Office Box.

The Postal Service followed the proper procedures in carrying out the activities that led to the posting of the FD. It considered and addressed all issues raised by the customers of the Fishers Landing Post Office and complied with all notice requirements. In addition to the posting of the Proposal and FD, customers received notice through other means. Questionnaires were available over the counter for retail customers at

⁴ Although this figure was collected off season, the finances for Fishers Landing Post Office were analyzed on an annual basis.

Fishers Landing. FD at 2; Item No. 20, Questionnaire Instruction Letter from P.O. Review Coordinator to OIC/Postmaster at Fishers Landing Post Office, at 1. A letter from the Manager of Post Office Operations, Albany, NY, was also made available to postal customers. The letter advised customers that the Postal Service was evaluating whether the continued operation of the Fishers Landing Post Office was warranted, and that effective and regular service could be provided through the delivery and retail services available from the Clayton Post Office. The letter invited customers to complete and return a customer questionnaire and to express their opinions about the service they were receiving and the effects of the possible change. Item No. 21, Letter to Customer, at 1. The returned customer questionnaires and Postal Service response letters appear in the administrative record in Item No. 22.⁵

In addition, representatives from the Postal Service were available at the Fishers Landing Post Office for a community meeting on April 29, 2011, to answer questions and provide information to customers. FD at 2; Item No. 24, Community Meeting Roster; Item No. 25, Community Meeting Analysis. Customers received formal notice of the Proposal and FD through postings at nearby facilities. The Revised Proposal was posted with an invitation for public comment at the Fishers Landing Post Office and the Clayton Post Office from May 13, 2011 to July 14, 2011. The FD was posted on August 9, 2011, as recorded in the Log of Post Office Discontinuance Actions. Item No 44, at 1.

⁵ Petitioner questions the number of questionnaire responses received. While the record does not address this explicitly, questionnaires were available over the counter to retail customers for a long period of time – at least as late as July 9, 2011 (Item 38, Customer Comments, Customer Questionnaire dated July 9, 2011, at 51). Hence, summer residents may have submitted responses, and retail customers not receiving delivery through the Fishers Landing Post Office may have submitted responses. This accounts for the fact that the number of questionnaires exceeds the number of deliveries served by the office.

In light of the postmaster vacancy, the Post Office's minimal workload, low office revenue,⁶ the variety of delivery and retail options (including the convenience of rural delivery and retail service) available to the community,⁷ the minimal impact closing the Post Office would have upon the community, the financial savings expected from the closing,⁸ the Postal Service made the decision to close Fishers Landing and issued the Final Determination. It will continue to provide regular and effective mailing services to the Fishers Landing community in a cost-effective manner upon implementation of the final determination. FD at 2, 14.

Each of the issues raised by the Petitioner is addressed in the paragraphs which follow.

Effect on Postal Services

Consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iii) and as addressed throughout the administrative record, the Postal Service considered the effect of closing the Fishers Landing Post Office on postal services provided to Fishers Landing customers. The closing is premised upon the ability to continue providing regular and effective postal services to Fishers Landing customers even if the Fishers Landing Post Office is closed.

The Petitioner, in his letter of appeal, raises the issue of the effect on postal services of the Fishers Landing Post Office's closing, noting the convenience of the

⁶ FD, at 2, 14.

⁷ FD, at 4-5; Item 41, at 12.

⁸ FD, at 13; Item No. 17, Cost Analysis, at 1-2; Item No. 18, Fact Sheet, at 1; Item No. 41, Proposal, at 14.

Fishers Landing Post Office and requesting its retention. This concern was considered by the Postal Service.

The Fishers Landing Post Office has an average of 13 daily retail window transactions. .Item No. 10, Window Transaction Survey. Upon the implementation of the final determination, delivery and retail services will be provided by Clayton Post Office, which has an EAS-18 level service and is only five miles from the Fishers Landing Post Office. FD, at 10. The window service hours of the Clayton Post Office are from 9 a.m. to 12 a.m. and 1 p.m. to 4:30 p.m., Monday through Friday and 9 a.m. to 12 noon on Saturday. FD, at 2. The Postal Service also provides retail mailing services at Alexandria Bay, LaFargeville, and Watertown. FD, at 5.

Customers will not be required to travel to another Post Office to receive mail or obtain retail service. When the final determination is implemented, retail and delivery service will be provided by carrier to roadside mailboxes located close to customers' residences, or to CBUs.⁹ FD, at 2, 6. In hardship cases, the Postal Service can deliver to a customer's home. These proposed alternate delivery services will meet the mailing and service needs of the community in a more effective manner. FD, at 2, 6.

Stamps are available through various outlets in addition to Post Offices. Customers can purchase them online at usps.com or through The Stamps by Mail Program that permits ordering stamps through the mail or in grocery stores. Item 41, Revised Proposal, at 2.

⁹ The Postal Service is also considering a centralized delivery location. Several local businesses have expressed an interest in the placement of centralized delivery units in the community. FD, at 2, 6.

Various options exist for the shipping of packages, which are explained on www.usps.com. If internet access is available, the Postal Service's Click-N-Ship service enables customers to print shipping labels with postage for Express Mail and Priority Mail. Carrier pickup is available, which allows for scheduling the pickup of packages at the same time the carrier delivers the mail. FD, at 3; Item No. 41, Revised Proposal, at 2, 4, 9. In addition, the Clayton Post Office can provide answers to questions about possible options for the shipping of packages from a Fishers Landing address. Item 41, Revised Proposal, at 4.

The Postal Service has considered the impact of closing the Fishers Landing Post Office upon the provision of mailing services to Fishers Landing customers. It has determined that delivery and retail services can be provided without the need to travel to a Post Office, though the Clayton Post Office and others are available. FD, at 14. Among other options, the carrier can provide the retail services, for the most part without the need to even meet the customer. FD, at 14; Item 41, Revised Proposal, at 4. Thus, the Postal Service has properly concluded that all Fishers Landing customers will continue to receive regular and effective service via rural route service. FD, at 14.

Effect Upon the Fishers Landing Community

The Postal Service is obligated to consider the effect of its decision to close the Fishers Landing Post Office upon the Fishers Landing community. 39 U.S.C. § 404(d)(2)(A)(i). While the primary purpose of the Postal Service is to provide postal services, the statute recognizes the substantial role in community affairs often played by

local Post Offices, and requires consideration of that role whenever the Postal Service proposes to close or consolidate a Post Office.

Fishers Landing is an unincorporated community located in Jefferson County. The community is administered politically by Town of Orleans with fire protection provided by the Fishers Landing Volunteer Fire Department. The New York State Police provides police protection. Two churches are located in the Fishers Landing community. FD, at 11; Item No. 41, Revised Proposal, at 12. The questionnaires completed by Fishers Landing customers indicate that, in general, the retirees, seasonal residents, commuters, and others who reside in Fishers Landing must travel elsewhere for other supplies and services. See generally FD, at 11; Item No. 22, Returned Customer Questionnaires and Postal Service Response Letters, at 8, 15, 17, 23, 25, 29, 31, 33, 37, 41, 47, 52, 54, 56, 64, 70, 78, 80, 91, 99, 101, and 107.

The Petitioner's letter of appeal raises the issue of the effect of the closing of the Fishers Landing Post Office upon the Fishers Landing community. The Petitioner is concerned that the Fishers Landing Post Office plays a role in the community other than just providing postal services. This issue was extensively considered by the Postal Service, as reflected in the administrative record. FD, at 11-12; Item No. 41, Revised Proposal, at 12-13; Item No. 23, Postal Customer Questionnaire Analysis, at 2. The Postal Service explained that a community's identity derives from the interest and vitality of its residents and their use of its name. Item No. 41, Revised Proposal, at 12. The Postal Service is helping to preserve community identity by continuing the use of the Fishers Landing Post Office name and ZIP Code in addresses. FD at 12; Item No.

41, Revised Proposal, at 13. Communities generally require regular and effective postal services and the Postal Service will continue to provide these the Fishers Landing community.

The Postal Service also noted that the closing of the Fishers Landing Post Office will not leave residents without a place to meet. Residents may continue to meet informally, socialize, and share information at the other businesses, churches and residences in the community-at-large. See, FD, at 12; Item No 40, Analysis of 60 Posting Comments, at 5; Item No, 41, Revised Proposal, at 13. In addition, if delivery service is provided by centralized delivery units, that structure may provide a gathering place. In addition, the Postal Service has concluded that nonpostal services provided by the Fishers Landing Post Office can be provided by the Clayton Post Office. Item 41, Revised Proposal, at 12. Government forms usually provided by the Post Office are also available by contacting local government agencies. Item No. 41, at 12.

Thus, the Postal Service has met its burden, as set forth in 39 U.S.C. § 404(d)(2)(A)(i), by considering the effect of closing the Fishers Landing Post Office on the community served by the Fishers Landing Post Office.

Economic Savings

Postal officials also properly considered the economic savings that would result from the proposed closing, as provided under 39 U.S.C. § 404(d)(2)(A)(iv). The Postal Service estimates that rural route carrier service would cost the Postal Service substantially less than maintaining the Fishers Landing Post Office and would still provide regular and effective service. FD, at 14. The estimated annual savings

associated with discontinuing the Fishers Landing Post Office are \$35,948.00. FD at 13; Item No. 41, Revised Proposal, at 14.

The Petitioner's letter of appeal suggests various strategies that he thinks would increase business or reduce cost at the Fishers Landing Post Office. The Postal Service appreciates these suggestions, but does not believe that they warrant a different outcome. Postal management has broad experience with and has considered similar options; and the Postal Service has determined that rural route service is a more effective solution for providing regular and effective service to the Fishers Landing community.

Economic factors are one of several factors that the Postal Service considered, and economic savings have been calculated as required for discontinuance studies, which is noted throughout the administrative record, consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iv). FD, at 14.

It would not be sufficient to simply cut back the hours of the Fishers Landing Post Office. It handles an average of 13 daily retail window transactions for a total of 15 minutes of retail workload daily. There are no permit mailers or postage meter customers and only 69 Post Office Boxes in use and those are non-fee boxes. FD, at 2; Item No. 41, Revised Proposal, at 2.

The Postal Service determined that carrier service is more cost-effective than maintaining the Fishers Landing postal facility and postmaster position. FD, at 14. The Postal Service's estimates are supported by record evidence, in accordance with the Postal Service's statutory obligations. The Postal Service, therefore, has considered

the economic savings to the Postal Service resulting from such a closing, consistent with its statutory obligations and Commission precedent. See 39 U.S.C. § 404(d)(2)(A)(iv).

Effect on Employees

As documented in the record, the impact on postal employees is minimal. The postmaster retired on May 2, 2008. Since then, a series of noncareer employees have assumed the necessary duties as the temporary officer-in-charge (OIC). Upon implementation of the final determination, the current noncareer OIC may be separated from the Postal Service, if not be reassigned to a nearby facility. The record shows that no other employee would be affected by this closing. FD, at 2, 13; Item No. 41, Revised Proposal, at 2, 5, 14. Therefore, in making the determination, the Postal Service considered the effect of the closing on the employees at the Fishers Landing Post Office, consistent with its statutory obligations. See 39 U.S.C. § 404(d)(2)(A)(ii).

Conclusion

As reflected throughout the administrative record, the Postal Service has followed the proper procedures and carefully considered the effect of closing the Fishers Landing Post Office on the provision of postal services and on the Fishers Landing community, as well as the economic savings that would result from the proposed closing, the effect on postal employees, and other factors, consistent with the mandate of 39 U.S.C. § 404(d)(2)(A).

After taking all factors into consideration, the Postal Service determined that the advantages of closing the Fishers Landing Post Office outweigh the disadvantages.

After closing it, the Postal Service will continue to provide effective and regular service to Fishers Landing customers. FD, at 14. The Postal Service respectfully submits that this conclusion is consistent with and supported by the administrative record and is in accord with the policies stated in 39 U.S.C. § 404(d)(2)(A). The Postal Service's decision to close the Fishers Landing Post Office should, accordingly, be affirmed.

The Postal Service respectfully requests that the determination to close the Fishers Landing Post Office be affirmed.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

Anthony F. Alverno
Chief Counsel, Global Business
& Service Development

Linda S. Paine-Powell
Intellectual Property Counsel

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1137
(202) 268-4403; Fax -5329
linda.s.paine-powell@usps.gov
October 26, 2011